



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,539	10/24/2003	Dany Sylvain	7000-271A	2302

27820 7590 06/14/2006

WITHROW & TERRANOVA, P.L.L.C.
P.O. BOX 1287
CARY, NC 27512

EXAMINER

KIM, WESLEY LEO

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/693,539	Applicant(s) SYLVAIN, DANY	
	Examiner Wesley L. Kim	Art Unit 2617	

--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.


GEORGE ENG
 SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

- The applicant argues that the PCC determines whether the users cellular or landline number has call routing priority and so the cellular number of Schellinger is no more temporary than the landline number of Schellinger.

The examiner disagrees. In Col.6;lines 10-12, it is taught that the PCC 101 determines whether the user's cellular or landline phone number has call routing priority, however it is also taught in Col.6;lines 12-15, that call routing priority refers to the users system preference (cellular or landline) to which a call is routed to first. To the examiner, it is obvious that the user selects a cellular or landline system to have priority and based on this user selection, the PCC further makes a determination whether the user's cellular or landline phone number has call routing priority.

- The applicant argues that Schellinger specifies that the cellular phone number is a normal directory number and points to col.6;lines 10-30 and states that Schellinger's cellular phone number is not, under any reasonable interpretation, a temporary directory number.

The Examiner disagrees. The applicant is disregarding the fact that only one of the cellular or landline phone number (Col.6;31-49) is given call routing priority, which means that one of the numbers is designated as the primary directory number (further see Col.6;line 64- Col.7;line 6). This citation teaches that the landline number is designated as the primary directory number and when a call is placed to the PCC 101, the call is initially routed to the landline number, i.e. primary directory number, and then the landline number is forwarded to the cellular phone number, i.e. the temporary directory number. So to the examiner, when the landline phone number is given priority, the landline phone number is the primary directory number and the cellular phone number is the temporary directory number.

- The applicant argues that the examiners interpretation of what a temporary number is ignores the teachings of Schellinger, as well as the plain meaning of the claim language and the Specification of the present invention.

The examiner disagrees. The examiner may interpret the Schellinger reference as broadly as possible. Schellinger teaches in the specification (Col.6;line 64- Col.7;line 6). This citation teaches that the landline number is designated as the primary directory number and when a call is placed to the PCC 101, the call is initially routed to the landline number, i.e. primary directory number, and then the landline number is forwarded to the cellular phone number, i.e. the temporary directory number. So to the examiner, when the landline phone number is given priority, the landline phone number is the primary directory number and the cellular phone number is the temporary directory number.

Also, the claim language may be interpreted by the examiner in the broadest possible sense, the terms primary and temporary directory can be interpreted by the examiner to read on the landline and cellular phone number, as taught in Schellinger, when the landline phone number is given call routing priority.

The applicant points to Paragraph 5 of the specification (in page 3 of Remarks mailed 5/26/06) to teach how a temporary directory number is contrasted from a primary directory number of the PSTN. The examiner believes that his interpretation still reads on the claims and the specification does not further differentiate the way the examiner has interpreted the claims from the description in the specification.

- The applicant argues that the mobile terminal is not associated with a primary directory number.

The examiner disagrees. Schellinger teaches in the specification (Col.6;line 64- Col.7;line 6). This citation teaches that the landline number has priority, i.e. is designated as the primary directory number, and when a call is placed to the PCC 101, the call is initially routed to the landline number, i.e. primary directory number, and then the landline number is forwarded to the cellular phone number, i.e. the temporary directory number. So to the examiner, when the landline phone number is given priority, the landline phone number is the primary directory number and the cellular phone number is the temporary directory number.

- The applicant argues that the specification teaches what a temporary number is and starts to point to Paragraph 5 and Paragraph 29-31 and 35-37 and the contrasts the differences between the teachings of the Schellinger reference.

The examiner would like to note that, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

- Applicant argues that the references used in the rejection of Claim 6 lacks a properly supported motivation to combine the references. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as recited in Thyssen, it is well known in the art that wireless and wireline network interface is a voice over packet interface as recited in Thyssen (Par.20) and Abidi and Schellinger both teach wireless and wireline networks. It is obvious that the implementation of a voice over packet interface further reduces costs of use by bypassing the charges associated with a typical landline phone call in the wireless and wireline networks.

- Applicant argues that the references used in the rejection of Claims 7, 20, and 38 lack a properly supported motivation to combine the references.

In response to applicant's argument that there is no suggestion to ²combine the references, the examiner recognizes that obviousness

can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Regarding Claim 7, as recited in Bell, it is well known in the art that a wireless network may comprise of one of TDM, CDMA, and OFDM, the wireless networks listed above makes it possible for a subscriber to access wireless services. Regarding Claims 20 and 38, as recited in Bell, it is well known in the art that a local wireless interface is adapted to support communication with a mobile terminal using Bluetooth technology, and to the examiner, one skilled in the art, the local wireless interface adapted to support communication with a mobile terminal using Bluetooth technology provides a low cost method of short range wireless voice and data links between devices. Further, Bell teaches a dual mode phone, which is what is taught in Abidi and Schellinger.

- Applicant argues that the references used in the rejection of Claims 18, 19, 36, and 37 lack a properly supported motivation to combine the references.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as recited in Charney, it is well known in the art that a local wireless interface can be based on a 802.11 standard and to the examiner, one skilled in the art, it is obvious to provide a method of supporting simultaneous communications via a plurality of communication channels within the cordless telephone system and Charney teaches a dual mode phone, which is what is taught in Abidi and Schellinger.

- Applicant argues that the references used in the rejection of Claims 39 lack a properly supported motivation to combine the references. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as recited in Bartle, it is well known that a signal can be inserted into a voice path for the first call prior to initiating the transition to warn parties to the first call of a transfer and Bartle further teaches this method notifies a user of an imminent communication mode change (Abstract;25-31). Bartle teaches that these teachings are known to be implemented in mobile phones, which is what is taught by Abidi and Schellinger.

- WLL

W. L. Schellinger